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REMARKS

Independent claim 9 is pending in the application.

Claim 9 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,522,075 ("Robinson").

The examiner argues that Robinson describes all of the limitations of claim 9, including, in lines 20-53 of column 12, allowing the guest software to attempt the operation if the attempt of the guest software would not succeed if the guest software was running outside said processor mode.

Contrary to the examiner's argument, Robinson does not describe allowing the guest software to attempt the operation if the attempt of the guest software would not succeed if the guest software was running outside said processor mode.

The cited portion of Robinson discusses "sensitive" instruction and includes the beginning of the following excerpt from Robinson:

As noted above, in the present invention sensitive instructions are those that can be executed only by the VMM. Thus, if a VM attempts to execute such an instruction, it traps to the VMM. This may be done through the use of the VM-bit. Whenever the processor attempts to execute a sensitive instruction, it first checks to determine if the VM-bit is set. If the VM-bit is set (i.e., if the processor is running in the VM mode) then the system traps to a process in the VMM where the VMM can emulate the requested sensitive instruction.

In this excerpt, as well as in other places (e.g., column 13, lines 53-58), Robinson describes that if a VM attempts to execute a sensitive instruction when the processor is running in VM mode, then the system traps to the VMM. Robinson does not describe or suggest any other possible outcome if a VM attempts to execute a sensitive instruction when the processor is running in VM mode. In particular, Robinson does not describe or suggest any situation wherein if a VM attempts to execute a sensitive instruction when the processor is running in VM mode, the VM is allowed to attempt the sensitive instruction.

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Therefore, even if Robinson's description of a VM attempting to execute a sensitive instruction when the processor is in VM mode could anticipate the applicants' limitation of identifying an attempt of guest software to perform an operation restricted by said processor mode, which applicants do not admit, Robinson still would not anticipate applicants' limitation of allowing the guest software to attempt the operation if the attempt of the guest software would not succeed if the guest software was running outside said processor mode. For at least this reason, Robinson does not anticipate claim 9.

Therefore, the withdrawal of the rejection of claim 9 is respectfully requested.

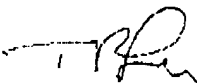
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CONCLUSION

Based on the foregoing, it is respectfully submitted that the rejection of claim 9 has been overcome, and that claim 9 is in condition for allowance. The issuance of a Notice of Allowance is therefore requested. Please charge any necessary fees to our Deposit Account No. 50-0221.

Respectfully submitted,

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Thomas R. Lane
Registration No. 42,781